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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/003,000 01/05/98 SIEFERT

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QM32/0705

EXAMINER

RIMELL, S

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 07/05/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/003,000

Applicant(s)

SIEFERT, DAVID M.

Examiner

Sam Rimell

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
- ☐ received.
  - ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
  - ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.

- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The step of "matching a learners needs as indicated in the learners profile" lacks antecedent basis since the profile was not previously stated as having information on the learner's needs. The phrase "presentation having a style most suited to those needs" is indefinite.

Claims 16-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 16 calls for a method step in which a profile for a student is created, with the profile containing information on the student's "style of learning". The disclosure of the present invention states, on pages 12-14, that this profile has four parts. These are: (1) Student Curriculum; (2) Teaching Strategies; (3) Student present standing; and (4) Personalized Information. Examiner has reviewed each of these four sections but does not explicit disclosure stating that the student profile contains information on "style of learning". Accordingly, it is believed that this feature is new matter.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al ('454).

Lee discloses a method in which learning programs, such as a series of lectures on history (page 7, lines 17-28) are stored in a database within a computer network. The student is provided with a communication link, in the form of a desktop PC, which communicates with the processor over a local area network (LAN) connection. A LAN network inherently includes at least one data channel. A student profile, in the form of information on homework assignment results and student progress information are stored in a database file (page 8, lines 28-36). Assignments of presentations to the student are selected, based on the information in the student profile (page 8, line 28-page 9, line 2) and presented to the student. The presentation is therefore matched to the learning needs of the student.

The information in the student profile includes homework assignment results, which is "the learners knowledge of structures of organized information" as defined in claim 18.

#### Remarks

Applicant argues that the reference to Lee does not disclose a student profile in which information on the student's "style of learning" is stored. However, applicant does admit that the system of Lee does create a student profile and does store information on the student in that profile.

Examiner has reviewed the disclosure of the present invention, in particular, pages 12-14 discussing the content of the student profile, but does not find any explicit statement that this profile contains information on the student's "style of learning". The student profile described in the present invention does contain information on "teaching strategies", which perhaps could

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constitute "a style of teaching", but there is no explicit statement that the student's "style of learning" is actually stored in the student profile. The student profile is also described as containing personalized information on a student, such as physical impairments and memory characteristics, but again, there is no statement that the student "style of learning" is stored as information.

Accordingly, this feature is deemed to be new matter.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell  
Primary Examiner  
Art Unit 3712